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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,480	08/01/2003	Dan Pharo		6404

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EXAMINER

SMITH, RICHARD A

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/633,480	PHARO ET AL.	
	Examiner	Art Unit	
	R. Alexander Smith	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 22-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 29 is objected to because of the following informality: In line 2, "int hat" should be --in that--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 and 22-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1:

- a. Lines 3-5 of the preamble and lines 3-8 of subparagraph b) of the claim are confusing because the Applicant has stated that intended uses of "guiding . . . while advancing toward an (front) end of a line position so that they may reach a destination in advance of that end of the line position." Lines 3-8 of subparagraph b) and lines 1-6 of subparagraph d) involve similar phrasing. However, this phrasing appears contradictory to the Examiner since it appears that the

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destination would be the end of the line or pathway, or would be past the end of the line and not in advance thereof.

Is the end of line referring to the end of the substrate, the end of the line of the group or to the end of the pathway?

b. Lines 5-7 of subparagraph d) is confusing because throughout the claim “a destination” has been used consistently in the form of intended use; however, in these lines “said destination” is not consistent with respect to the others, i.e., “a destination” and appears to claim the combination of the end of line element in combination with the destination.

Claim 22: Subparagraphs b) and d) state phrases that are also confusing for the reason noted for claim 1 a. above.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4, 6, 7, 22-24, 26-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,637,378 to Hensler et al. in view of U.S. 5,775,016 to Chien and U.S. 3,453,660 to Gehweiler et al.

Hensler et al. teaches a floor mat (ground cover substrate) with an upper surface and borders (path forming guidance elements 16 and 18) for indicating a path therebetween. The substrate having path forming guidance elements associated with the an upper surface thereon to form parallel pathway boundaries in a desired orientation, said upper surface of said substrate being relatively free of guidance elements except for the guidance elements so that the pathway is not visually obstructed, said pathway being visibly prominent, the path forming guidance elements being arranged to be visible in low and high light conditions, the pathway being visibly prominent and of a carpeting material.

Hensler et al. does not teach an end of line element being an elongated element with indicia, said end of line element being associated with the substrate and the path forming guidance elements each being a plurality of small discrete path forming elements associated with

the upper surface of the substrate and being in a pair of rows, the sufficiently narrow width of the pathway with respect to the group and that of a car, means associated with said end of line element and small discrete path forming elements for locating same with the cover substrate, the means for locating comprises a fastening means associated with the underside of the end of line element and with the underside of the small discrete path forming elements, the end of the line element and the path forming elements are fitted into recesses formed in the ground cover substrate for holding same and have surfaces at the surfaces of the substrate, the end of the line element and the path forming elements are formed integrally in said substrate and appear at the upper surface of the substrate, the discrete members and elongate member and the pathway defined thereby being sufficiently low to said ground surface that they do not constitute barriers to individuals with ambulatory disabilities or in wheelchairs, the end of the line element is located on a substrate which is spaced slightly apart from an end of the other substrates to represent an end of the line position, but which is cooperatively located with respect to such other substrates to identify an end of the pathway.

Gehweiler et al. teaches that it is known and desirable in the prior art to replace painted marking lines with rows of circular die cut indicating members to mark aisles and crosswalks in factories, warehouses, etc. (column 1, lines 24-37). The indicating members are secured by a fastening means comprising an adhesive on the underside of the elements, which is temporarily covered by a removable liner.

Chien, in figure 17, teaches that it is known to include elongated elements, i.e., exit signs 59, on a ground surface. The sign 59 includes directional information in the form of an arrow and indicia. Chien also discloses (column 5, lines 25-30) that the floor can be provided with

recesses (see figure 2 versus figure 1) to accommodate the elongated elements while allowing the elements to be viewed from the upper surface of the ground cover substrate and that the system and elements can be applied to conform to any environment as necessary to guide people as desired, e.g. figures 5, 6, 10, 16 and 17.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hensler et al. by replacing or adding to the guidance element borders thereof the die cut members (either elongated or circular), since Gehweiler et al. teaches that die cut members are an alternative means for designating a walkway, as compared to the means of Hensler et al. and to allow retrofitting of previously made substrates in order to save costs and in order to allow the user more selection in the type of substrate desired. With respect to the path forming guidance elements each being a plurality of small discrete path forming elements associated with the upper surface of the substrate and being in a pair of rows, these features would be inherent in the system, taught by Hensler et al., which creates an aisle as modified by the guidance elements used by Gehweiler et al. to form the aisles.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hensler et al. by including one or more of the ground signs of Chien on the substrate thereof, for the purpose of indicating the position of an exit relative to the substrate. Such a modification would result in the guidance elements extending from a location proximate the ends of the sign(s) from Chien. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hensler et al., by providing recesses for insertion of the elements, as taught by Chien, and to place the elements and system according to the environment, as suggested by Chien, in order to prevent a user from tripping

over the elements as they walk along the substrates of the personnel guidance and location control system, to make traversing easier for people with ambulatory disabilities or in wheelchairs, and to adjust the system and elements to the environment in which it is to be used for proper guidance of pedestrians when needed.

With respect to the width of the pathway being sufficiently narrow and being less than a width of a vehicle: the limitations regarding the width are only considered to be the "optimum" value of the width of the pathway disclosed by Hensler et al., as stated above, that a person having ordinary skill in the art would have been able to determine using routine experimentation based, among other things, on the application, including homes, offices, factories, airplanes and to accommodate spaces, hallways and doorways, as suggested by Hensler et al. See In re Boesch, 205 USPQ 215 (CCPA 1980).

With respect to the elements being integrally formed in the substrate: it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. In re Hotte, 177 USPQ 326, 328 (CCPA 1973). Therefore, the recessing, as taught by Chien, and the adhesive attachment to the substrate, as taught by Gehweiler et al. appear to meet this limitation as claimed.

With respect to Claim 30, i.e., the end of the line element is located on a substrate which is spaced slightly apart from an end of the other substrates to represent an end of the line position, but which is cooperatively located with respect to such other substrates to identify an end of the pathway:

It is very well known that substrates can be laid according to the needs or desires of the supplier or user in order (1) to draw attention to a change, or (2) to span a distance wherein the substrates



are not of the correct length to fully span the distance where the ends of said substrates abut. Furthermore, Chien also discloses that discrete systems and components can be combined and located in many forms and locations to convey the necessary guidance information as shown in figures 5-10, 16 and 17. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to separate the substrate having the end of line element based on preferences or needs of a user, as suggested by Chein. In this case (1) to draw a user's attention to a substrate having a different message from those preceding said substrate, or (2) to span a distance which does not fit the lengths of the substrates used.

With respect to the intended uses, i.e., Claim 1 - for defining an end of a line of the group of walking pedestrian individuals and representing a waiting location on said upper surface for the individual at the front end of the line so that the individuals may proceed to a destination in advance of the front end of the line in an orderly and successive manner; so that the individuals desiring to reach a destination will automatically enter the pathway of movement in an orderly manner; so that individuals in the pathway will not be inclined to walk in front of an individual who precedes them providing for an orderly movement of the individuals to a destination in advance of the end of the pathway, so that there is no crowding of individuals at or around that destination; presenting a desired pattern to enable the orderly and controlled movement of a group of walking pedestrian individuals into one or more lines of same to a destination; Claim 22 - for defining an end of a line of the group of pedestrian individuals and representing a waiting location for the individual at the front end of the group of pedestrian individuals in the line and where each of the individuals may wait their turn at the elongate member until they are ready to be received at the destination, so that the individuals may proceed to the destination in advance

of the front end of the line in an orderly and successive manner, the pathway boundaries defining the boundaries of movement to the side for each of the individuals in the group allowing each of the individuals to await their turn in the pathway to reach the end of the line position and then leave that end of the line position for the destination in advance of but in proximity to the end of the line position, the small discrete elements thereby presenting a desired pattern to enable the orderly and controlled movement of a group of pedestrian individuals into one or more lines of same to a destination, Claim 28 - for optimum placement of the group of pedestrian individuals to maximize optimum use of space and to avoid pedestrian traffic congestion and which substrate and the elements can be relocated to another position pursuant to need therefor: these intended uses have not been given any patentable weight since it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not sufficiently differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

The Applicant should note that the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hira, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

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6. Claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensler et al. in view of Chien and Gehweiler et al. as applied to claims 1-4, 6, 7, 22-24, 26-28 and 30 above, and further in view of Phillips.

Hensler et al., Chien and Gehweiler et al. together teach all that is claimed, as discussed in the above rejection of claims 1-4, 6, 7, 22-24, 26-28 and 30 except for the elongate element and discrete elements being fastened to the mat by downwardly projecting screws.

Phillips teaches tactile members attached to a ground surface by screws.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Hensler et al. by utilizing screws to secure the die cut members to the mat, since Phillips teaches that screws are a known means for securing indicators to a supporting surface, such as wood or linoleum.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hensler et al. in view of Chien and Gehweiler et al. as applied to claims 1-4, 6, 7, 22-24, 26-28 and 30 above, and further in view of applicant's admitted prior art.

Hensler et al., Chien and Gehweiler et al. together teach all that is claimed, as discussed in the above rejection of claims 1-4, 6, 7, 22-24, 26-28 and 30, except for the end of the line element and the path forming elements being painted onto the mat.

In the specification, applicant has admitted that it is known to paint guidance information on a substrate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Hensler et al. by utilizing paint to create the end of line element and the path forming elements, since painting is an old and well known means for quickly and inexpensively creating directional information and the like.

8. Claims 9 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hensler et al., Chien and Gehweiler et al. as applied to claims 1-4, 6, 7, 22-24, 26-28 and 30 above, and further in view of U.S. 2,680,698 to Schnee.

Hensler et al., Chien and Gehweiler et al. together teach all that is claimed, as discussed in the above rejection of claims 1-4, 6, 7, 22-24, 26-28 and 30 except for means is associated with each of said substrates enabling said substrates to be arranged relative to one another with an end of one substrate abutted against or closely spaced to an end of a next adjacent substrate to form a desired orientation for that pathway and to remain in the desired pattern orientation, said ground cover substrates have end margins on said substrates so that one substrate is capable of being arranged in abutting relationship with another substrate to form a desired pattern to thereby generate a selected pathway.

Schnee discloses a plurality of ground cover substrates arranged to form a pedestrian pathway, means associated with each of said substrates enabling said substrates to be arranged relative to one another, each of said substrates capable of being arranged with one or more other substrate in any of a variety of desired patterns, at least one of said ground cover substrates (1) being linear and having relatively straight longitudinal margins, at least one having an arcuately shaped portion (figure 2), said plurality of ground cover substrates having interlocking end

margins. Schnee teaches that such is advantageous for permitting a large covering to be easily manufactured and to allow the mats to accommodate corners and obstructions. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system, taught by Hensler et al., Chien and Gehweiler et al., by making the system comprised of a plurality of ground cover substrates with the features, as taught by Schnee, since Schnee teaches that such is advantageous for permitting a large covering to be easily manufactured and to allow the mats to accommodate corners and obstructions.

9. Claims 1, 6, 7, 22-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,109,439 to Feasel in view of U.S. 3,453,660 to Gehweiler et al.

Feasel teaches a ground cover substrate of a carpeting type material with an upper surface and path forming guidance elements to be inserted into recesses in the substrate and being associated with the upper surface of the substrate in a decorative or informational design wherein the system can be used as a long runner with indicia directing persons from one place to another, as in the case of a public building (column 1, lines 7-12 and 21-25).

Feasel does not teach the guidance elements being in the form of an end of line element and in the form of path forming guidance elements, the end of line element being with indicia, the path forming guidance elements being formed in parallel pathway boundaries and in a pair of rows.

With respect to the path forming guidance elements being formed in parallel pathway boundaries and in a pair of rows: Gehweiler et al. discloses that parallel lines of small discrete

guidance elements are commonly used to mark the sides of an aisle or crosswalk. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to place the discrete path forming elements in the long runner, taught by Feasel, in the form of an aisle, as suggested by Gehweiler et al., in order to convey to the pedestrian which way to go and to provide a path for the pedestrian to follow.

With respect to the end of line element, and the end of line element element being in the form of indicia: It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, taught by Feasel, to include an end of line element which forms indicia in order to provide the pedestrian information as to whether he has reached the correct destination or to further direct the pedestrian as already suggested by Feasel.

With respect to the elements being integrally formed in the substrate: it has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. In re Hotte, 177 USPQ 326, 328 (CCPA 1973). Therefore, the attaching means, as taught by Feasel, appears to meet this limitation as claimed.

With respect to the intended uses, i.e., Claim 1 - for defining an end of a line of the group of walking pedestrian individuals and representing a waiting location on said upper surface for the individual at the front end of the line so that the individuals may proceed to a destination in advance of the front end of the line in an orderly and successive manner; so that the individuals desiring to reach a destination will automatically enter the pathway of movement in an orderly manner; so that individuals in the pathway will not be inclined to walk in front of an individual who precedes them providing for an orderly movement of the individuals to a destination in advance of the end of the pathway, so that there is no crowding of individuals at or around that

destination; presenting a desired pattern to enable the orderly and controlled movement of a group of walking pedestrian individuals into one or more lines of same to a destination; Claim 22 - for defining an end of a line of the group of pedestrian individuals and representing a waiting location for the individual at the front end of the group of pedestrian individuals in the line and where each of the individuals may wait their turn at the elongate member until they are ready to be received at the destination, so that the individuals may proceed to the destination in advance of the front end of the line in an orderly and successive manner, the pathway boundaries defining the boundaries of movement to the side for each of the individuals in the group allowing each of the individuals to await their turn in the pathway to reach the end of the line position and then leave that end of the line position for the destination in advance of but in proximity to the end of the line position, the small discrete elements thereby presenting a desired pattern to enable the orderly and controlled movement of a group of pedestrian individuals into one or more lines of same to a destination: these intended uses have not been given any patentable weight since it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not sufficiently differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

The Applicant should note that the preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

***Response to Arguments***

10. Applicant's arguments filed August 1, 2003 have been fully considered but they are not persuasive.

With respect to arguments on page 16 with respect to the following, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

With respect to Chien disclosing end of line elements can be attached at any location and to any item, flooring, walls, doors, stairwells, stairs, corners, barricades, etc. as necessary to convey the information. Therefore, it would obvious to one of ordinary skill in the art at the time of the invention to include an end of the line element to help inform the pedestrian as to where to go next or what to expect next.

With respect to Gehweiler et al. not disclosing a pair: This argument is not persuasive since Gehweiler et al. discloses that the guidance elements are intended for forming aisles or crosswalks and it is very well known that the aisles and crosswalks are generally marked on both sides, i.e., in pairs, to inform the pedestrian of the boundaries that the pedestrian is to stay within



and application of the guidance elements at a set interval distance as taught by Gehweiler et al. will inherently cause pair by pair matching of the discrete elements. These also applies to the arguments spanning page 17.

In response to Applicant's argument on page 19 that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969).

In this case, Hensler et al. discloses to one of ordinary skill in the art that mats can be used to lead a person to a destination and that these mats can have outer boundaries highlighted to make the path defined by the mat noticeable. Gehweiler et al discloses that appliques can be used to mark an outline to a path. Chien discloses that indicia and line elements, e.g., signs and etc, can be placed anywhere needed to provide information including on, or recessed within, flooring including concrete, carpeting, etc. Therefore it would have been obvious to one of ordinary skill in the art to combine Gehweiler et al. and Chein to Henser et al. for the reasons as stated in the rejection applied above.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The prior art cited in PTO-892 and not mentioned above disclose related systems. All prior art cited in PTO-892 and marked with an asterisk (\*) has been cited in 10/004213.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Alexander Smith whose telephone number is 703-305-0647. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on 703-308-3875. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read 'R. Alexander Smith', with a long horizontal stroke extending to the right.

R. Alexander Smith  
Examiner  
Technology Center 2800

RAS  
January 12, 2004